THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9921 OF 2007

DATED: 01-05-2007

BETWEEN

S. Suryanarayana,
S/o. Sri Narayana Charyulu,
R/o. Ramalayam Street,
Vanukuru Village,
Penamaluru Mandal,
Krishna District.

...PETITIONER

AND

The Commissioner of Police,
Vijayawada City,
Vijayawada, Krishna District
and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in not taking action against the respondents 5 and 6 in registering the complaints dated 13.04.2007 and 28.04.2007 and investigate into the same and take appropriate action and to direct the respondents to punish the respondents 5 and 6 for their highhanded illegal action.

2. Under Section 154 of the Code of Criminal Procedure, 1973, whenever any written information has been received by the Station House Officer about committing a cognisable offence, it is the statutory duty of the police to register and investigate the same. If such written intimation has not been registered, it is open for the petitioner to send the said representation to the Superintendent of Police, in which case it is for the Superintendent of Police

to investigate the case or direct any concerned officer to register and investigate the case.

In the absence of performance of such statutory duties, the only course open to the petitioner is to file a private complaint under Section 200 read with Section 190 Cr.P.C.

3. Petitioner submits that the third respondent – Station House Officer in collusion with the unofficial respondents 4 to 6 is refusing to receive the complaints and register the cases.

4. I am of the opinion that when there is an effective remedy available under the provisions of Cr.P.C. and as I have taken a view in WP.No.21709 of 2005 and batch dated 06.02.2007 that there is an effective alternative remedy available to the petitioner to set the law in motion by filing a private complaint under Section 200 of the Code for taking appropriate action, the only course open to the petitioner to avail the aforesaid remedy.

The writ petition is accordingly dismissed. There shall be no order to costs.

_____

V. ESWARAIAH, J

May 1, 2007
DSK